

NO. 25772

IN THE SUPREME COURT OF THE STATE OF HAWAII

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STATE OF HAWAII, Plaintiff-Appellee

vs.

BOBBY HERNANDEZ, Defendant-Appellant

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APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(HPD CR. NO. 03097779)

ORDER GRANTING APPELLATE COUNSEL'S  
MOTION TO DISMISS APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of appellate counsel's motion to dismiss the appeal of Defendant-Appellant Bobby Hernandez, the papers in support, and the records and files herein, it appears that: (1) Appellant was convicted and sentenced for the offense of harassment, and on April 16, 2003, the public defender's office filed a notice of appeal on behalf of Appellant; (2) Appellant was informed that he must remain in contact with his attorney; (3) appellate counsel has been unable to locate Appellant; (4) letters sent to Appellant's last known address were returned with notations that the mail was undeliverable and that Appellant had moved and left no address; (5) when appellate counsel called Appellant at his last known telephone numbers, he was informed that the numbers were not in service; and (6) Appellant has abandoned his appeal. Therefore,

Appellate counsel's motion to dismiss appeal is granted, and this appeal is dismissed pursuant to HRAP Rule 42(C).

DATED: Honolulu, Hawai'i, August 27, 2003.

Edward K. Harada,  
Deputy Public Defender,  
for defendant-appellant  
on the motion